1946.

File No. O. Essential commodities /46

Legal Department
A **BRANCH**

K

Subject:—

Opinions under the

Bombay Essential Commodities

and Cattle (Control) Act, 1946

M 3/(E)

File No. O:Essential commodities/46

Gen. 194 e.

429-A

CONTENTS.

Legal Department File O. Essential Commodities/46.

Sr.No.	R.I. / O.No.	Subject.	Page.
1	2	3	4
1)	7075 17-10-46.	Def. of I. Rules - Rule 81(2) — Imposition of restrictions on the slaughter of Cattle.	1
2)	6917 14-10-46.	Grant of licenses or the renewal thereof.	3
3)	9433 28-12-46.	Whether persons offering Cattle for inspection commit offence if they turn out to be of the prohibited Catagory.	5

1017

K.S.K.
10/7.

SMK/9.7.

Office of the R.L.A.

The view taken in the Reconstruction Department office note at p.8 ante is correct.

Under the Reconstruction Department Order No.9257/24 dated 9th January 1945 issued under rule 81(2) of the Defence of India Rules restrictions are imposed on the slaughter, acquisition for slaughter and resale for slaughter of cattle. Under the proviso thereto these restrictions will not apply to the acquisition for slaughter or slaughter of cattle for a bonafide religious purpose. Consequently unless the proviso is amended, it would not be legally feasible to extend to the cattle acquired for slaughter or to be slaughtered for a bonafide religious purpose the restrictions imposed by the order.

Sd/- A.R.Khan.

for Remembrancer of Legal Affairs.

U.R. to R.D.D. No. 7075 , dated the 17th October 1946.

SMT/9.7.

Office of the R.L.A.

By virtue of section 5 of the Bombay Essential Commodities And Cattle (Control) Act, 1946, the Bombay Hay Trade Licensing Order, 1944, has continued to be in force after 30th September 1946. Under sub-clause (4) (i) of clause 3 of that Order every License granted under the Order shall be valid till the end of the year during which the license is issued, unless earlier suspended or cancelled by the Licensing Authorities and under sub-clause (4)(ii) a license may be renewed for a further period of one year by the Licensing Authority on receipt of an applicatio n in that behalf which should reach the Licensing Authority on or before the 30th September of the previous year. Clause 5(4) provides that the fee charged under this order shall be Rs. 5/- and the fee charged for a renewal thereof shall be Re.1/- License forms Nos. D, DD, E and F forwarded to the R.L.A. provide for the grant of licenses or the renewal thereof on payment of a fee of rupee five or a renewal fee of rupee one. It is therefore apparent that renewal licenses will have to be issued to those who have applied before the end of September 1946, and paid the renewal fee of rupee one. The use of a rubber stamp with the contents "Renewed for the year - date of renewal - Licensing Authority" will not be in order.

Sd/-

for Remembrancer of Legal Affairs.

U&O.R. to the Milk Commissioner, No .

6917 Dated the 14th October 1946.

Id/- I.T.K.
12/10.

SMT/9.7.

Office of the R.L.A.

The very object of offering cattle for inspection is to ascertain whether any of them belong to the category prohibited by the Reconstruction Department Order No. 9257/28, dated 9th January 1945. Consequently it appears that the person offering cattle for inspection commits no offence even if any of them, on inspection, turn out to be of the prohibited category.

Sd/- D.V.Vyas,

Remembrancer of Legal Affairs.

U.H. to R.C.D. No. 9433, dated the 28th December 1946.

SNT/9.7.